

VZCZCXRO2241
PP RUEHPA
DE RUEHNM #0460 1211352
ZNY CCCCC ZZH
P 301352Z APR 08
FM AMEMBASSY NIAMEY
TO RUEHC/SECSTATE WASHDC PRIORITY 4277
INFO RUEHZK/ECOWAS COLLECTIVE PRIORITY
RUZEHAA/CDR USEUCOM INTEL VAIHINGEN GE PRIORITY
RHMFISS/CDR USEUCOM VAIHINGEN GE PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY

C O N F I D E N T I A L NIAMEY 000460

SIPDIS

SIPDIS

E.O. 12958: DECL: 04/30/2013

TAGS: [PHUM](#) [NG](#)

SUBJECT: NIGERIEN BAR ASSOCIATION PRESIDENT ON HUMAN RIGHTS

REF: (A) NIAMEY 364 (NOTAL) (B) NIAMEY 196 (NOTAL)

Classified By: Donald W. Koran, DCM, reasons 1.4 (b/d)

Summary

¶1. (U) In an April 30 meeting with the DCM, Nigerien Bar Association president Moussa Coulibaly reviewed the status of the case against two journalists (ref A) and the December 9 incident in the north (ref B). Coulibaly is the lawyer defending the journalists, and he represents the families of the people killed in the December 9 incident. He also claimed that the GON is overstepping its authority under the state of alert in the north.

The Journalists

¶2. (C) Coulibaly claimed that the real reason the GON charged Moussa Kaka of RFI and Ibrahim Manzo Diallo of Air Info with conspiring with the MNJ was to stifle reporting on the north. He said that Diallo was freed in February pending trial, and that the case was "on standby." Coulibaly recalled that the trial judge in Kaka's case dismissed as inadmissible the phone intercepts allegedly linking Kaka to the MNJ because they were obtained illegally. An appeals court overturned that decision, and assigned a new trial judge to the case. It also denied a request to release Kaka pending trial. Coulibaly explained that phone intercepts require a warrant, but the GON has never established the procedures for obtaining one, making any intercepts inadmissible. In any event, he contended, the intercepts do not prove that Kaka conspired with the MNJ. The supreme court's review of the appeals court decision is tentatively scheduled for May 8.

The December 9 killings

¶3. (C) Coulibaly claimed the GON has made no effort to investigate the killings of 7 people (6 civilians and an off-duty police officer) between Agadez and Bilma on December ¶9. On December 24 Coulibaly filed on behalf of the families of the victims a complaint with the Ministry of Defense (MOD) alleging that unnamed persons tortured and murdered the people. He explained that any legal action against soldiers requires MOD concurrence, and it was clear that soldiers had committed the killings. (The GON admitted at the time that soldiers were responsible, but claimed that it was a case of mistaken identity.) In March Coulibaly sent a letter to the

MOD asking about the case. The MOD responded that the Gendarmerie had investigated the matter and provided a report of the investigation to the prosecutor in Agadez. Coulibaly said the report merely reflected the families' complaint rather than an investigation. On April 29 he sent another letter to the MOD acknowledging receipt of the MOD's letter, but disputing the MOD's claim that there had been an investigation. In the letter, Coulibaly said he complained about the MOD's delay in addressing the matter and threatened to take it to a regional or international court if he does not receive a satisfactory response within two weeks. Coulibaly said he was considering bringing the case to the ECOWAS court. Coulibaly said that the original complaint was filed against unknown persons because at the time he did not know the identities of the soldiers, but he now knows who they are.

The State of Alert

14. (C) Coulibaly complained that the GON is overstepping its rights under the state of alert that has been in effect in the north since last August. He contended that the measure only gives the military police powers. It does not otherwise abridge fundamental rights such as the right to be charged within a certain period.

ALLEN